

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

**LINDA DAVIS, individually and on behalf
of all others similarly situated**

Plaintiff,

v.

**PMG OPCO-GUEST HOUSE, L.L.C.
d/b/a THE GUEST HOUSE SKILLED
NURSING AND REHABILITATION
AND PRIORITY MANAGEMENT
GROUP, L.L.C.**

Defendants.

Civil Action No. _____

District Judge _____

Magistrate Judge _____

NOTICE OF REMOVAL
BY DEFENDANTS, PMG OPCO-GUEST HOUSE, L.L.C. d/b/a THE GUEST HOUSE
SKILLED NURSING AND REHABILITATION AND PRIORITY MANAGEMENT
GROUP, L.L.C.

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446, Defendants, PMG OPCO-Guest House, L.L.C. d/b/a the Guest House Skilled Nursing and Rehabilitation, and Priority Management Group, L.L.C., file this Notice of Removal to the United States District Court for the Western District of Louisiana on the basis of federal question and supplemental jurisdiction, and respectfully show:

I. FACTUAL AND PROCEDURAL BACKGROUND

1. On April 27, 2022, Linda Davis, individually and on behalf of all others similarly situated (“Plaintiff”), filed her Class Action Petition for Damages and Injunctive Relief (the “Class Action Petition”) styled *Linda Davis, individually and on behalf of all others similarly situated v. PMG OPCO-Guest House, L.L.C. d/b/a the Guest House Skilled Nursing and Rehabilitation and*

Priority Management Group, L.L.C., Civil Suit No. 636,750-A, in the 1st Judicial District Court for the Parish of Caddo, State of Louisiana.

2. Plaintiff served Defendants with a copy of the Class Action Petition on May 2nd and 3rd, 2022.

3. Pursuant to 28 U.S.C. § 1446(b), Defendants must file their notice of removal in the district court within 30 days of receipt of the Class Action Petition—no later than June 1, 2022. In addition, this Notice of Removal is being filed within one year of the commencement of this action. Therefore, this Notice of Removal, filed May 31, 2022, is timely.

4. All pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiff.

5. Venue is proper in this Court under 28 U.S.C. 1441(a) because this district and division embraces Caddo Parish, Louisiana, the place where the removed action has been pending.

II. BASIS FOR REMOVAL

6. Removal is proper based on federal question and supplemental jurisdiction under 28 U.S.C. §§ 1331, 1367, 1441, and 1446.

7. The Class Action Petition alleges violations of federal law, in particular, 42 C.F.R. § 483.1, *et seq.*, over which the district court has original jurisdiction under 28 U.S.C. § 1331. *See* Class Action Petition at ¶¶ 10-12, and 32.

8. The Class Action Petition also alleges violations of state law, including the Louisiana Residents' Bill of Rights, La. R.S. 40:2010.8, *et seq.*; La. C.C. art. 2315; and La. Admin Code tit. 48, Pt. I, §§ 9701, *et seq.*; and seeks injunctive relief pursuant to La. R.S. 40:2010.9 and La. C.C.P. art. 3601. The district court has supplemental jurisdiction over these claims under 28 U.S.C. § 1367.

III. CONCLUSION AND PRAYER

All requirements are met for removal under 28 U.S.C. §§ 1331, 1367, 1441, and 1446. Accordingly, Defendants, PMG OPCO-Guest House, L.L.C. d/b/a the Guest House Skilled Nursing and Rehabilitation, and Priority Management Group, L.L.C., respectfully remove this case to this Court for trial and determination.

Dated: May 31, 2022

Respectfully submitted,

FAIRCLOTH MELTON SOBEL & BASH, LLC

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Attorneys for Defendants, PMG OPCO-Guest House, L.L.C. d/b/a the Guest House Skilled Nursing and Rehabilitation, and Priority Management Group, L.L.C.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I presented the above and foregoing for filing and uploading to the CM/ECF system which will send electronic notification of such filing to all counsel of record. The undersigned further certifies that a true and correct copy of the foregoing was served on the following via electronic transmission and U.S. Mail:

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Alexandria, Louisiana, this 31st day of May, 2022.

/s/ Jimmy R. Faircloth, Jr.

OF COUNSEL